

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JESSIE GLENN HARDIN, #1837179

§

VS.

§

CIVIL ACTION NO. 6:20cv251

DIRECTOR, TDCJ-CID

§

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Petitioner Jessie Hardin, proceeding *pro se* and an inmate confined at the LeBlanc Unit within the Texas Department of Criminal Justice (TDCJ), filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The case was referred to United States Magistrate Judge, the Honorable John D. Love, for findings of fact, conclusions of law, and recommendations for the disposition of the petition.

On May 12, 2020, Judge Love issued a Report (Docket No. 5) recommending that petitioner's duplicative federal habeas petition be dismissed—without prejudice to his right to pursue his habeas claims in his pending case in this Court, civil action number 6:20cv182. A copy of this Report was sent to Petitioner at his address, with an acknowledgment card. The docket reflects that Petitioner received a copy of the Report on May 19, 2020 (Docket No. 6). However, to date, no objections to the Report have been filed.

Because objections to Judge Love's Report have not been filed, Petitioner is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge (Docket No. 5) is **ADOPTED** as the opinion of the Court. Further, it is


ORDERED that Petitioner's federal habeas petition is **DISMISSED** without prejudice to Petitioner's right to pursue his habeas claims in case number 6:20cv182. Moreover, it is

ORDERED that Petitioner is **DENIED** a certificate of appealability *sua sponte*. It is also

ORDERED that the Clerk of Court shall file Petitioner's duplicative habeas petition in this case (Docket No. 1) into Petitioner's pending case, 6:20-cv-182, as an additional petition for a writ of habeas corpus. Finally, it is

ORDERED that any and all motions which may be pending in this cause of action are hereby **DENIED**.

So **ORDERED** and **SIGNED** this **15th** day of **June, 2020**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE